

Message

From: Johnson, Kathleen [Johnson.Kathleen@epa.gov]
Sent: 1/19/2021 7:14:23 PM
To: Denton, Loren [Denton.Loren@epa.gov]
CC: Koslow, Karin [Koslow.Karin@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]
Subject: RE: Transition Meeting Follow Up - Re: NSR

Ok great. lets keep track of this on the 90 day rule list and the Pruitt memo as something we might revisit early.

Kathleen H. Johnson
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From: Denton, Loren <Denton.Loren@epa.gov>
Sent: Tuesday, January 19, 2021 2:11 PM
To: Johnson, Kathleen <Johnson.Kathleen@epa.gov>
Cc: Koslow, Karin <Koslow.Karin@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: FW: Transition Meeting Follow Up - Re: NSR

FYI

From: Carroll, Thomas <Carroll.Thomas@epa.gov>
Sent: Tuesday, January 19, 2021 1:19 PM
To: Denton, Loren <Denton.Loren@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Frank, Nathan <frank.nathan@epa.gov>; Sansevero, Christine <Sansevero.Christine@epa.gov>
Subject: RE: Transition Meeting Follow Up - Re: NSR

Hi Loren,

Regarding the recently promulgated rule, we think Kathleen is referring to the Project Emission Accounting rule that went final on 12/24/20. We all agree this is a candidate for reconsideration, although we are not clear how that could happen other than by notice and comment rulemaking or under the Congressional Review Act.

Regarding the 12/7/17 Pruitt memo, it merits consideration for reversal or revocation but we need a conversation about whether some elements are beneficial to our cases, in terms of clarity regarding when a claim arises. So this one needs more discussion and the real solution may be a rulemaking regarding the continuing nature of NSR permitting requirements.

Tom

From: Denton, Loren <Denton.Loren@epa.gov>
Sent: Tuesday, January 19, 2021 8:30 AM
To: Belser, Evan <Belser.Evan@epa.gov>; Carroll, Thomas <Carroll.Thomas@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: FW: Transition Meeting Follow Up - Re: NSR

Please see Kathleen's question on NSR below.
Thoughts?

From: Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Sent: Sunday, January 17, 2021 2:30 PM

To: Denton, Loren <Denton.Loren@epa.gov>

Subject: FW: Transition Meeting Follow Up (Notes)

Hey Loren,

I read the draft NSR paper. It looks like there was an NSR rule that was promulgated on Dec 20, 2020, so that one might be one to consider for the "90 day rules we can reconsider". Also, I'm also trolling for items that we might be able to do in the first few weeks of the new administration – things that would signal how the Biden administration is going in a different direction. I note that the December 7, 2017 "NSR Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability:" was actually signed by Pruitt. Is this something that you all, in concert with the Air Office, would recommend as something we could quickly reverse/revoke?

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